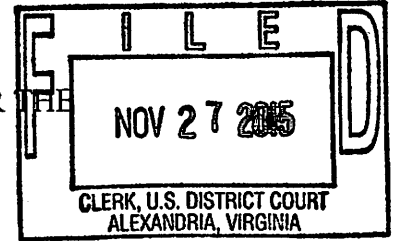


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



NATIONWIDE PROPERTY AND
CASUALTY INSURANCE COMPANY a/s/o
JOSEPH ADAMS and VONDA ADAMS,

Plaintiff,

v.

Case No. 1:15cv1587 AJT/MSN

UNITED STATES OF AMERICA,

Defendant.

COMPLAINT

Comes now the plaintiff, Nationwide Property and Casualty Insurance Company as subrogee of Joseph Adams and Vonda Adams, and for its claims against the defendant, United States of America, alleges and states as follows:

NATURE OF ACTION

1. This is an action against the defendant, United States of America, pursuant to the Federal Tort Claims Act, 28 U.S.C. §2671, *et seq.*, and 28 U.S.C. §1346 (b)(1), for money damages as compensation for property damage arising from a December 14, 2014 motor vehicle accident caused by the defendant's negligence.

PARTIES

2. Nationwide Property and Casualty Insurance Company, (hereinafter "Nationwide"), is an insurance corporation with its principal place of business in Columbus, Ohio. Nationwide is duly authorized to conduct business in the Commonwealth of Virginia.

3. Joseph Adams and Vonda Adams at all times relevant hereto resided in Virginia and owned an automobile, particularly a 2013 Ford Fiesta SE, which automobile was insured under Nationwide personal automobile insurance policy number 5345U012257.

4. The defendant, the United States of America, at all times relevant hereto acted through its agency, the Federal Bureau of Investigation, and the agency's employee, Adrian Hawkins.

JURISDICTION and VENUE

5. This action is brought against the United States of America pursuant to the Federal Tort Claims Act, 28 U.S.C. §2671, *et seq.*, and 28 U.S.C. §1346 (b), which vests exclusive subject matter jurisdiction of Federal Tort Claims litigation in the United States District Courts.

6. Plaintiff complied with the provisions of 28 U.S.C. §2675 of the Federal Tort Claims Act, and presented an administrative claim the appropriate agency of the defendant, United States of America, namely the Federal Bureau of Investigation, on or about January 28, 2015. *See*, Standard Form 95, attached as Exhibit hereto. The defendant did not make a final disposition of the claim within six months after it was filed.

7. Venue is proper in the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. §1402(b) because the acts and omissions forming the basis of this claim occurred in Fairfax County, Virginia.

FACTS

8. On or about December 1, 2014 Nationwide's insured driver, Joshua Adams, was operating the 2013 Ford Fiesta SE owned by his parents, Joseph Adams and Vonda Adams, on Interstate 66 in Fairfax County when he stopped in a line of traffic.

9. At that same time and place Andrew Zaitsaff was operating a motor vehicle on Interstate 66 behind and to the immediate rear of the 2013 Ford Fiesta SE operated by Joshua Adams.

10. At that same time and place Adrian Hawkins was operating a motor vehicle on Interstate 66 behind and to the immediate rear of the vehicle operated by Andrew Zaitsaff.

11. At that same time and place Adrian Hawkins collided with the rear of the vehicle operated by Andrew Zaitsaff, thereby pushing it into the rear of the 2013 Ford Fiesta SE operated by Joshua Adams.

12. The collision caused property damage to the 2013 Ford Fiesta SE operated by Joshua Adams, and owned by Nationwide's insureds, Joseph and Vonda Adams.

13. At all times relevant hereto Adrian Hawkins was operating her motor vehicle in the course and scope of her employment with the Federal Bureau of Investigation.

COUNT ONE: NEGLIGENCE – VICARIOUS LIABILITY

14. Plaintiff incorporates and re-alleges Paragraphs 1 through 13 as set forth herein.

15. At the time of the collision Adrian Hawkins had a duty (a) to operate her vehicle with ordinary and reasonable care and with due regard for others using the road, in conformity with the laws of the Commonwealth of Virginia; (b) to keep a proper lookout and pay full and proper attention to her driving; (c) to operate her vehicle in a manner appropriate under the circumstances and to maintain proper control of her vehicle; (d) to stop her vehicle in response to stopped traffic in front of her in a safe and appropriate manner and (d) to avoid a collision.

16. In violation of the aforesaid duties, Adrian Hawkins carelessly, recklessly and negligently crashed her vehicle into the rear of the motor vehicle operated by Andrew Zaitsaff

thereby pushing it into the rear of the 2013 Ford Fiesta SE operated by Joshua Adams and owned by Nationwide's insureds, Joseph Adams and Vonda Adams.

17. Defendant is vicariously liable for the negligent acts and omissions of Adrian Hawkins, who was operating her motor vehicle in the course and scope of her employment by the Federal Bureau of Investigation.

18. As a direct result of the negligent actions of the defendant, as set forth above, and pursuant to its insurance policy with Joseph Adams and Vonda Adams, Nationwide paid for damages to its insureds' 2013 Ford Fiesta SE in the amount of Five Thousand Two Hundred Eleven Dollars and Fifty One Cent (\$5211.51). Nationwide maintains this action as subrogee of its insureds.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff, Nationwide Property and Casualty Insurance Company as subrogee of Joseph and Vonda Adams, demands judgment against the defendant, United States of America, in the amount of in the amount of Five Thousand Two Hundred Eleven Dollars and Fifty One Cent (\$5211.51).

NATIONWIDE PROPERTY AND
CASUALTY INSURANCE COMPANY a/s/o
JOSEPH ADAMS and VONDA ADAMS,
By Counsel



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